

Amendments To The Drawings:

Amendments to the drawing figures shall be made by presenting replacement figures which include the desired changes, without markings, and which comply with § 1.84. The changes shall be explained in the accompanying remarks section of the amendment paper. If the amended drawings are not approved, the applicant will be notified in the next Office action. Any amended drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure number in the amended drawing should not be labeled as "amended."

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. In Figure 1, previously omitted identifier "6" has been added.

Attachment: Replacement Sheet Annotated Sheet Showing Changes

Remarks

This Amendment is in response to the Office Action dated **March 6, 2006**. In the Office Action, the Examiner requested that a translation of the foreign application be submitted. The Office Action further asserts that the information disclosure statement fails to comply with the provisions of 37 CFR 1.97 and 1.98 because the documents have not been translated. The Drawings were objected to as failing to comply with 37 CFR 1.84(p)(5). The Examiner called attention to the headings used in the application. Claims 1, 3, 14, and 18 were rejected under 35 USC 112, second paragraph. Claims 1-20 were rejected under 35 USC 101. Claims 1-5, 7-8, and 10-20 were rejected under 35 USC 103(a) as being unpatentable over Catan in view of Curry. Claims 6 and 9 were rejected under 35 USC 103(a) as being unpatentable over Catan in view of Curry and further in view of Lee. These issues will be addressed under headings consistent with the paragraph numbering or headings of the Office Action.

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In the Office Action, the Examiner stated that prior to declaration of an interference, a translation of the foreign application should be submitted in reply to this action. Applicant has no plans for filing an interference and thus believes that providing a translation of the foreign application is not necessary. Furthermore the pending application is an English translation of the priority application.

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The Office Action asserted that the information disclosure statement fails to comply with the provisions of 37 CFR 1.97 and 1.98 because the documents have not been

translated. WO 02/44665 A2 already comprises an abstract in English. EP 0 837 475 A2 is completely in the English language. Abstracts in the English language of the foreign documents from the Information Disclosure statement are enclosed. EP 0 618 426 corresponds to US 5,747,350 A. EP 0 999 432 corresponds to US 6,778,917 B1.

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The Drawings were objected to as failing to comply with 37 CFR 1.84(p)(5). Specifically the Office Action stated that Fig. 1 does not include reference sign “6”. Fig. 1 has been amended to include reference sign “6”.

Specification

The Examiner called attention to the Brief Description of the invention and stated an uncertainty as to whether it corresponds to the “Summary of the Invention”. The Examiner also asserts that the Application fails to have appropriate labels for a “brief summary of the invention” and a “brief description of the drawings”.

Applicant has amended the specification to include the heading “A BRIEF DESCRIPTION OF THE DRAWINGS”. Applicant does note that the guidelines for the specification of an application are only guidelines and that they are suggested for the Applicant’s use. Thus, for purposes of this application Applicant makes no further changes of the specification. Applicant respectfully asserts that the application is clear and that the headings are accurate in light of the disclosure beneath each heading.

6-9

Claims 1, 3, 14, and 18 were rejected under 35 USC 112, second paragraph. The

claims have been amended to improve readability and are believed to be definite as amended.

Applicant respectfully requests that the 112 rejections be withdrawn.

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Claims 1-20 were rejected under 35 USC 101. Claim 1 has been amended without prejudice or disclaimer to include the subject matter of claim 14. Claim 14 has been canceled. Amended claim 1 recites “**fully or partially reading out the stored production related data and the application related data using the reading device**”. Please see page 5, line 21 through page 6, line 17 for examples of the data that is capable of being read out by the reading device. Such information is very useful to manufacturers and users for determining the quality and standards of the product during production as well as when being used. The reading device presents this in a tangible form. For at least this reason, the amended claim does not lack utility. Applicant respectfully requests that the 101 rejection be withdrawn.

11-12

Claims 1-5, 7-8, and 10-20 were rejected under 35 USC 103(a) as being unpatentable over Catan (US20020143860) in view of Curry (U.S. 6,814,293). Claim 1 has been amended to recite “the proportioning device being of a portable or stationary design and selected from the group consisting of manually operated pipettes, motor-operated pipettes, manually operated dispensers, and motor-operated dispensers”. Support for this amendment is found on page 1 lines 11-13. Neither Catan nor Curry teach or suggest a method for handling data of a proportioning device selected from the group described above.

Catan relates to systems that can exclusively read data from machine readable

labels (paragraphs 0002 and 00017 and claims of Catan). These systems are designed for consumer applications to provide consumers with additional data about products from supermarkets, grocery stores, etc. Pipettes and dispensers are not consumer products such as those described in the cited references. One skilled in the art would not look to these consumer products for direction in providing production or application data to users of pipettes and dispensers.

In addition, amended claim 1 recites “at least one transponder for contactlessly storing data using a writing device and from which data can be contactlessly read out using a reading device”. The use of a transponder in the reading and writing of production-related and application-related data is neither taught nor suggested in Catan or Curry. Specifically, Curry does not anticipate the storage of application-related specific data of a pipette or dispenser into a transponder by using a writing device. The Office Action points to column 17, lines 2-7 of Curry to show a teaching of applying an application-related specific data of the proportioning device. However, Curry is merely using the word “application” here. There is no teaching or suggestion that the transponder can contactlessly store data using a writing device. Thus, all the limitations of amended claim 1 are neither taught nor suggested and an obviousness rejection cannot be appropriately applied to amended claim 1 or to those claims dependent thereof.

For at least these reasons Applicant respectfully requests that the rejection of claim 1 and those claims dependent thereof be withdrawn.

Claims 6 and 9 were rejected under 35 USC 103(a) as being unpatentable over Catan in view of Curry and further in view of Lee. As asserted above Catan and Curry fail to

teach or suggest all the limitations of amended claim 1. These missing limitations are not taught or suggested in Lee. For at least this reason claims 6 and 9 cannot be obvious in light of Lee as they claim dependence upon amended claim 1.

Applicant respectfully requests that this rejection of claims 6 and 9 be withdrawn.

Other Matters

Claim 15 was amended into an independent apparatus claim and is believed to be definite.

A supplemental information disclosure statement has been submitted herewith and includes references cited in the pending European patent application.

Conclusion

In view of the foregoing it is believed that the present application, with claims 1-13 and 15-20, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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By: _____



Brendan C. Babcock

Registration No.: 50705

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
f:\wpwork\becb\11123us01_amd_20060625.doc